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10/017,680	10/22/2001	Mark H. Lucovsky	3070	9548

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EXAMINER

NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
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2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/017,680

Applicant(s)

LUCOVSKY ET AL.

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-20 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-20 and 24-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/31/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment 07/05/2006 to the original application filed 10/22/2001.

Claims 1-3, 5-20, and 24-26 are presented for examination. Claims 24-26 have been added. Claim 4 has been cancelled. Claims 1 and 5-20 have been amended. Claim 1 is an independent claim.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. CIT. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Uogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 C.F.R. ' 1.321(b) would overcome an actual or provisional rejection on this ground provided the conflicting

application or patent is shown to be commonly owned with this application. See 37 C.F.R. § 1.78(d).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-3, 5-20, and 24-26 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-14 of copending application No. 10/187057, and claims 1-27 of copending application No. 10/208,975. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of the instant application, claim 1 of co-pending application 10/187057, and claim 1 of co-pending application 10/208,975 are all claiming: providing a schema, the schema having service-related fields arranged into a content document with defined structures for the fields; receiving a data access request, the request including associated identity information; and in response to the data access request, manipulating at least one set of data in a logical document that includes data therein according to the associated identity information, each set of data in the logical document structured to correspond to a field in the content document. The main difference between the instant application, copending application No. 10/187057, and copending application No. 10/208,975 is the instant application claims **a service schema**, copending application No. 10/187057 claims **a categories schema**, and copending application No. 10/208,975 claims **a device schema**.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or " (Emphasis added.)

Claims 1-3, 5-20, and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Saulpaugh et al. (U.S. 6,789,126 – filed 10/2000).

As to claim 1:

Saulpaugh teaches in a computer network, a method comprising,

- receiving a request from a requester at a my services schema for location information of a user identity-based services schema *(e.g., the proximity mechanism may find the "physical" location of the service for the client. For example, in an IrDA environment, the client device may be physically pointed at the device including the service(s) that the client desires to use ... a service on the*

service device may respond to the proximity service discovery message, and may send to the client the service advertisement that the client may use to connect to the desired service. The proximity service discovery message may also include information that may be used to authenticate the client and to establish the client's capabilities on the service. Using the received service advertisement, the client may establish a gate to establish communication with the desired service; col. 44, lines 1-35), wherein the my-services schema describes the available services for a given user identity (e.g., *A service's capabilities may be expressed in terms of the messages the service accepts. A service's message set may be defined using an XML schema. An XML message schema defines each message format using XML typed tags. The tag usage rules may also be defined in the schema. The message schema may be a component of an XML advertisement along with the service's message endpoint used to receive messages. The distributed computing environment may allow clients to use all or some subset of a service's capabilities. Security policies may be employed to enforce the set of capabilities given to a client;* col. 16, lines 3-18), the my-services schema having a schema that maintains data about other services in one or more service-related fields (e.g., *service's XML schema may indicate a set of one or more events that may be published by the service. An event gate may be constructed from the XML schema ... The set of events for a service may be described in the service's XML message schema. For each event message in the XML schema, the event gate may subscribe itself as a consumer of that event. In one embodiment, an event gate*

subscribes to all events indicated by the XML schema. Each event message may be named using an XML tag. The event gate may subscribe by sending a subscription message including the XML tag for the event to be subscribed to ... The event message may contain an XML event document and may be sent to each subscribed gate. When a subscribed gate receives the event message, the XML event document is removed from the message and the process of distribution begins. Event distribution is the process of handing out the event document within the client platform. Each event consumer within the client platform may subscribe with the event gate for each type of event ... The result of the negotiation may be an authorization such as an authentication credential that conveys to the client the right to use the requested subset of the service's capabilities; col. 31, line 37-col. 32, line 67);

- *providing location information to the requester regarding the requested user identity-based services schema, wherein the requested user identity-based services schema to organize data associated with a user of the computer network based on an identity-based services schema having services-related fields arranged into a content document with defined structures for the fields (e.g., XML document which has fields are defined with tags and therefore has a defined structure; col.26, lines 45-52/ XML documents, may include a series of hierarchically arranged elements 502. Each element may also include its data or additional*

elements ... meta-data ... describing the data within the element; col.35, lines 34-41);

- receiving a data access request directed to service information at the user identity-based services schema, the request including associated user identity information *(e.g., the distributed computing environment may include a service discovery mechanism that provides methods for clients to find services and to negotiate the rights to use some or all of a service's capabilities ... the service's interface may include interfaces to a requested set of the service's capabilities ... The result of the negotiation may be an authorization such as an authentication credential that conveys to the client the right to use the requested subset of the service's capabilities ... the client may present to the service a set of desired capabilities in the form of a protected (secure) advertisement. The service may then respond with a capability credential that may convey to the client the rights to use the requested capabilities described in the protected advertisement ... the distributed computing environment may include a mechanism for a client to negotiate service access rights and to then obtain a security credential or document that may be used to present the service's access interface to the set or subset of the service's capabilities that were requested by the client; col. 32, line 25-33, line 14); and*
- in response to the data access request *(col.32, lines 25-67 & col.33, lines 15-67), manipulating (e.g., a client can manipulate the XML representation of an object;*

col.11, lines 45-57 and col.13, lines 21-46) at least one set of data in a logical services document (*e.g., a XML schema at the service message gate within a device, which provides services to the clients; col.7, lines 24-67*) that includes data therein according to the associated identity information (*e.g., the client is only able to request a service that is permitted and the clients identity is verified by the authentication service; col.18, lines 29-56*), each set of data in the logical services document structure to correspond to a field in the content document (*col. 32, lines 25-67; col. 33, lines 15-67; and col. 35, lines 19-41*).

As to claim 2:

Saulpaugh teaches manipulating at least one set of data comprises reading data from at least one field in the logical services document (*e.g., A client of a space may itself be a service provider ...modify an existing advertisement; col.34, lines 54-56 and A space service may also provide facilities to read advertisements, write 'publish' advertisements, and take 'remove' advertisements; col.36, lines 11-20*).

As to claim 3:

Saulpaugh teaches manipulating at least one set of data comprises writing data to at least one field in the logical services document (*e.g., A client of a space may itself be a service provider ...modify an existing advertisement; col.34, lines 54-56 and A space service may also provide facilities to read advertisements, write 'publish' advertisements, and take 'remove' advertisements; col.36, lines 11-20*).

As to claim 5:

Saulpaugh teaches the user identity-based services schema corresponds to an application settings service (*items 300-310; Fig. 2*).

As to claim 6:

Saulpaugh teaches the user identity-based services schema corresponds to a calendar service (*e.g., A lease is granted of guaranteed access over a time; col. 3, lines 15-22/ Each advertisement may contain a time by which the service promises to renew the advertisement; col. 46, lines 29-42*).

As to claim 7:

Saulpaugh teaches the user identity-based services schema corresponds to a categories service (*e.g., a mechanism to send and receive XML messages between clients and services ... XML messages may be 'typed'; col. 17, lines 57-59*).

As to claim 8:

Saulpaugh teaches the user identity-based services schema corresponds to a contacts service (*e.g., XML messaging mechanism; col. 34, lines 34-42*).

As to claim 9:

Saulpaugh teaches the user identity-based services schema corresponds to a devices service (*e.g., Device/Service; Fig. 6*).

As to claim 10:

Saulpaugh teaches the user identity-based services schema corresponds to a documents service (*e.g., XML schema advertised for the service; col. 17, lines 27-45*).

As to claim 11:

Saulpaugh teaches the user identity-based services schema corresponds to a favorites service (*e.g., The distributed computing environment may provide a mechanism for matching a component ...a client 'which may be a service' may desired a service that meets a set of interface requirements; col. 34, lines 9-13*).

As to claim 12:

Saulpaugh teaches the user identity-based services schema corresponds to an inbox service (*e.g., clients may find the advertisement to access service using the XML messaging mechanism; col. 34, lines 39-42*).

As to claim 13:

Saulpaugh teaches the user identity-based services schema corresponds to a lists service (*e.g., a service or content listed by the space; col.34, lines 48-60*).

As to claim 14:

Saulpaugh teaches the user identity-based services schema corresponds to a location service (*e.g., locating services; col.7, lines 11-20*).

As to claim 15:

Saulpaugh teaches the user identity-based services schema corresponds to an alerts service (*e.g., event notification messages; col.18, lines 51-56*).

As to claim 16:

Saulpaugh teaches the user identity-based services schema corresponds to a profile service (*e.g., see "Client Profile" in Fig.5*).

As to claim 17:

Saulpaugh teaches the user identity-based services schema corresponds to a presence service (*e.g., Many spaces may exist, each contain XML advertisements that describe services or content ...a space may be a repository of XML advertisements of services*

and/or XML data, which may be raw data or advertisements for data, such as results; col.34, lines 42-47).

As to claim 18:

Saulpaugh teaches the user identity-based services schema corresponds to a wallet service (*e.g., the user may insert the smart card into the client device to begin the session; col.75, lines 43-50).*

As to claim 19:

Saulpaugh teaches returning the logical services document in response to the data access request (*e.g., a service may be returned to the client in an XML message. However, since other results may be too large for a small client to receive and consume at once, a service 112 may put those results or an XML representation of the results 134 in a space 114, as shown in FIG. 9, and return them by reference (in an XML message) to the client 110, rather than by value. Examples of methods of returning a reference to results include, but are not limited to: returning in the message a URI referencing the results in a space, and: returning in the message an XML document including the URI of the results. Later, the client 110 may access the results, or pass them by reference to another service. The space in which results may be stored may be different from the space in which the service is advertised; col. 15, lines 28-40 & A discovery service may be provided for clients as a general search facility that may be used by a client to locate a particular space ...the discovery service receives a string specifying something to locate, and it sends an XML*

message to a known discovery front-end (perhaps found in a default space), which then parses the string and makes a corresponding XML query to a search facility (which may be an internet search facility). The discovery front-end may parse what it obtains from the search facility and repackage it as an array of strings (each string may be a URI for each found space) which it may send in an XML message to the client; col. 13, line 47-col. 14, line 4).

As to claim 20:

Saulpaugh teaches the user identity-based services schema includes at least one defined field for extending the user identity-based services schema (e.g., A service's message set may be defined using an XML schema. An XML message schema defines each message format using XML typed tags. The tag usage rules may also be defined in the schema. The message schema may be a component of an XML advertisement along with the service's message endpoint used to receive messages. The distributed computing environment may allow clients to use all or some subset of a service's capabilities. Security policies may be employed to enforce the set of capabilities given to a client. For example, once a set of capabilities has been given to a client, the client may not change that set without proper authorization. This model of capability definition allows for services levels that range from a base set of capabilities to an extended set. Extensions may be added to services by adding to the number of recognized messages; col. 16, lines 3-18 and col.39, lines 32-57).

As to claim 24:

Saulpaugh teaches the location information includes a inform resource identifier, realm information of a Kerberos domain controller, and a service principle name for obtaining an identity license from the KDC (*e.g., A Kerberos ticket is one example of a security credential that may be used in the distributed computing environment. Kerberos is a secure method for authenticating a request for a service in a computer network. Kerberos lets a user request an encrypted "ticket" from an authentication process that can then be used to request a particular service. The user's password does not have to pass through the network; col. 52, lines 35-41 & Gate creation checks may ensure that a client has permission to use some or all of the service capabilities designated by the XML message schema ... these checks may be implemented using access control lists in conjunction with an authentication service such as Kerberos. A challenge-response sequence (such as a password) may also be used to authenticate a client. In some embodiments, a hardware based physical identification method may be used to authenticate the client. For example, the user may supply a physical identification such as a smart card for identification and authorization; col. 54, lines 3-15).*

As to claim 25:

Saulpaugh teaches the location information includes a uniform resource identifier (*e.g., client 1604 may have previously located persistent store 1602 by locating its service advertisement 1616, and then may send a Universal Resource Identifier (URI) for a*

storage location for persistent results 1618 to Service A in an XML message; col. 77, lines 11-59) and an identity license Kerberos lets a user request an encrypted "ticket" from an authentication process that can then be used to request a particular service. The user's password does not have to pass through the network; col. 52, lines 35-41 & Gate creation checks may ensure that a client has permission to use some or all of the service capabilities designated by the XML message schema... these checks may be implemented using access control lists in conjunction with an authentication service such as Kerberos. A challenge-response sequence (such as a password) may also be used to authenticate a client. In some embodiments, a hardware based physical identification method may be used to authenticate the client. For example, the user may supply a physical identification such as a smart card for identification and authorization; col. 54, lines 3-15).

As to claim 26:

Saulpaugh teaches the location information includes referral information that points to another my-services schema (col. 53, line 54-col.54, line 62).

Response to Arguments

5. Applicant's arguments filed 07/05/2006 have been fully considered but they are not persuasive.

Applicant argues in substance that *Saulpaugh does not teach "the my-services schema describes the available services for a given user identity, the my-services schema having a schema that maintains data about other services in one or more service-related fields"*

[Remarks, page 10].

In response, The Examiner respectfully submits that Applicant's argument is substantially directed to the amended subject matter. The amended subject matter is addressed above with respect to the discussion of independent claim 1.

Conclusion

6. The prior art made of record, listed on PTO 892 provided to Applicant is considered to have relevancy to the claimed invention. Applicant should review each identified reference carefully before responding to this office action to properly advance the case in light of the prior art.
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
Commissioner for patents
P.O. Box 1450
Alexandria, VA 22313-1450

MN

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PRIMARY EXAMINER